

EPA R8 actions on SIP related issues

-UGRB designated nonattainment for ozone in May 2012. One year grace period from general conformity began when designations became effective in July 2012. Grace period ended in July 2013.

-EPA took final action approving Wyoming's GC SIP revision. Proposed action published on May 7, 2013. Final action published on August 15, 2013, effective September 16, 2013.

-Our action on the SIP approved Wyoming's adoption of the 2010 federal GC regulations. This included the additional exemption for stationary sources with a minor source permit.

NEPA issues/activities

-Concurrent to the SIP actions, R8 Air and NEPA programs have been involved in commenting on the NPL pre-DEIS as it relates to GC. Our comments were sent to BLM's Jim Speck on 1/10/14. Hardest hitting comments were:

- "We recommend that the BLM and Encana ensure that WDEQ permitted emission sources meet the stationary source requirements of the general conformity exemption described in WAQSR Chapter 8, Section 3(c)(iv)(A). We note that WDEQ issues WAQSR Chapter 6 air quality permits for sources that do not qualify as stationary sources for the purposes of WAQSR Chapter 8, Section 3(c)(iv)(A). EPA has previously advised both the BLM and State with our concerns regarding this issue. We recommend that the reference in line 14, on page 3-6, to 40 CFR 93.153(d) be replaced with WAQSR Chapter 8, Section 3(c)(iv)(A)."
- "It is indicated that the BLM must include a conformity determination with its Record of Decision (ROD) for the alternative selected. As stated, this timing for the conformity determination is certainly allowed; however, we recommend that consideration be given to providing the conformity determination earlier perhaps concurrently with the Final EIS."

R8 Air and NEPA programs have also been working with BLM on a GC Exemption List and a Presumed to Conform list of sources and activities.

- BLM's Charis Tuers sent **Referred to BLM** 5/17/13
- R8 Air and NEPA programs worked the issue with ORC and provided an email back to Charis on 6/11/13 (email from Suzanne Bohan to Charis).
- We had a follow up meeting w/ Charis to discuss our comments on 6/12/13 (see if Tim has notes from that call)
- Everything went quiet until 8/9/13 when we received an email from Charis **Referred to BLM**
Referred to BLM We provided a response on the issue on 8/29/13 (email from Scott to Charis)
- In parallel to the prescribed fire question, Charis sent (email from her on 8/27/13) over **Referred to BLM**
Referred to BLM
- We responded on 9/11/13 with comments, from Scott to Charis, on the 2nd draft of the

Exemption List.

- Conference call of 9/16/13 with BLM/State:

1.) With regard to the exemption list, we had a discussion about the non-oil and gas activities and asked BLM to provide further information. **Ex. 5 - Deliberative Process** there were no numbers of activities or emissions to document the BLM's exemption for categories that would say for example "infrequent use of single vehicle". BLM felt further information was unnecessary, but finally agreed they would look at historical data from the Pinedale Office to come up with an estimated number of activities per year per category with emissions estimates for these types of categories.

2.) General Conformity Permit Exemption Issue: With regard to the oil and gas categories, BLM flatly stated that any equipment or activity's emissions would be excluded, from a general conformity analysis, that had a WDEQ-issued permit. Scott asked Charis if she had reviewed our comments, as provided in his email of last Wed. and which Suzanne had sent previously, that stated our concerns that this particular exemption for NSR/PSD permitted minor and/or major sources only applied to stationary sources. At that point, BLM deferred to WDEQ (Darla Potter) who went into a discussion on how these permits (both for stationary sources and temporary sources/activities) were based on WAQSR Chapter 6 for NSR and have helped reduce emissions in the UGRB. We brought up the continuing issue of permits for drill rigs, as an example, and how these are temporary, non-stationary sources and would not be applicable for the general conformity exemption. This led to WDEQ stating there was an ongoing difference of opinion between EPA and WDEQ on this issue and that the permits were issued by WDEQ's delegated authority and as per the CAA. Scott defused this by stating that we were not saying that we had an issue with the State's delegated permit program, but (and circling back) that these types of temporary sources/activities did not meet the definition of a stationary source for the general conformity permit exemption. We asked that BLM provide us with a list of what they consider "equipment and activities" that they believed met the general conformity permit exemption. BLM indicated they would defer to the State to develop such a list for forwarding to EPA (no time frame for this). In the end, WDEQ (Darla) stated she would be raising this general conformity permitting exemption issue to her director and to the director of WDEQ. That's how we ended the call.

- Have not seen any updates since we sent over the comments on 9/11/13. Vanessa sent us an email in Feb. 2014 saying that Charis told her we should be seeing the Presumed to Conform list in the next couple months.
- January 31, 2014 – DEQ letter to BLM about minor source permits and how they meet the GC exemption criteria.